

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

BOARD

AGENDA

Thursday, November 3, 2011
9:00 A.M.

San Diego International Airport
Commuter Terminal – Third Floor
Board Room
3225 N. Harbor Drive
San Diego, California 92101



BOARD MEMBERS

LAURIE BERMAN*
BRUCE R. BOLAND
GREG COX
JIM DESMOND
ROBERT H. GLEASON
LLOYD B. HUBBS
JIM PANKNIN
PEDRO REYES*
COL. FRANK A. RICHIE*
PAUL ROBINSON
TOM SMISEK
ANTHONY K. YOUNG

* EX OFFICIO BOARD MEMBERS

PRESIDENT/CEO
THELLA F. BOWENS

***Live webcasts of Authority Board meetings can be accessed at
http://www.san.org/airport_authority/boardmeetings.asp.***

This Agenda contains a brief general description of each item to be considered. The indication of a recommended action does not indicate what action (if any) may be taken. If comments are made to the Board without prior notice or are not listed on the Agenda, no specific answers or responses should be expected at this meeting pursuant to State law.

Staff Reports and documentation relating to each item of business on the Agenda are on file in Corporate Services and are available for public inspection.

NOTE: Pursuant to Authority Code Section 2.15, all Lobbyists shall register as an Authority Lobbyist with the Authority Clerk within ten (10) days of qualifying as a lobbyist. A qualifying lobbyist is any individual who receives \$100 or more in any calendar month to lobby any Board Member or employee of the Authority for the purpose of influencing any action of the Authority. To obtain Lobbyist Registration Statement Forms, contact the Corporate Services/Authority Clerk Department.

PLEASE COMPLETE A "REQUEST TO SPEAK" FORM PRIOR TO THE COMMENCEMENT OF THE MEETING AND SUBMIT IT TO THE AUTHORITY CLERK. ***PLEASE REVIEW THE POLICY FOR PUBLIC PARTICIPATION IN BOARD AND BOARD COMMITTEE MEETINGS (PUBLIC COMMENT) LOCATED AT THE END OF THE AGENDA.***

The Authority has identified a local company to provide oral interpreter and translation services for public meetings. If you require oral interpreter or translation services, please telephone the Corporate Services/Authority Clerk Department with your request at (619) 400-2400 at least three (3) working days prior to the meeting.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

PRESENTATIONS:

- A. EMERGENCY PREPAREDNESS (EDUCATIONAL ITEM):**
Presented by George Condon, Director, Aviation Operations and Public Safety;
and Susie Preiser, Manager, Emergency Preparedness and Public Safety
- B. GREEN BUILD PROGRAM UPDATE – LANDSIDE & TERMINAL 2W PHASING:**
Presented by David Brush, Director, Terminal Development Program;
Murray Bauer, Director, Landside Operations; Diana Lucero, Director, Public,
Community and Customer Relations
- C. THE GREEN BUILD – SMALL BUSINESS UPDATE:**
Presented by Bob Silvas, Director, Small Business Development
- D. FINANCIAL UPDATE FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2011:**
Presented by Vernon Evans, Vice President, Finance/Treasurer

REPORTS FROM BOARD COMMITTEES, AD HOC COMMITTEES, AND CITIZEN COMMITTEES AND LIAISONS:

STANDING BOARD COMMITTEES

- **AUDIT COMMITTEE:**
Committee Members: Gleason, Hollingworth, Hubbs, Smisek (Chair), Tartre,
Van Sambeek, Young
- **EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE:**
Committee Members: Boland, Cox, Desmond (Chair), Smisek
- **FINANCE COMMITTEE:**
Committee Members: Cox (Chair), Desmond, Panknin, Robinson, Young
- **TERMINAL DEVELOPMENT PROGRAM COMMITTEE:**
Committee Members: Boland (Chair), Gleason, Hubbs, Panknin, Robinson

ADVISORY COMMITTEES

- **AUTHORITY ADVISORY COMMITTEE:**
Liaison: Panknin
- **PUBLIC ART ADVISORY COMMITTEE:**
Committee Member: Gleason

LIAISONS

- **AIRPORT LAND USE COMPATIBILITY PLAN FOR SAN DIEGO INTERNATIONAL AIRPORT:**
Liaison: Robinson
- **CALTRANS:**
Liaison: Berman
- **INTER-GOVERNMENTAL AFFAIRS:**
Liaison: Cox
- **MILITARY AFFAIRS:**
Liaisons: Boland (Primary), Panknin
- **PORT:**
Liaisons: Boland, Gleason (Primary), Smisek

BOARD REPRESENTATIVES (EXTERNAL)

- **SANDAG TRANSPORTATION COMMITTEE:**
Representatives: Panknin, Smisek (Primary)
- **WORLD TRADE CENTER:**
Representatives: Panknin (Primary), Young

CHAIR'S REPORT:

PRESIDENT/CEO'S REPORT:

NON-AGENDA PUBLIC COMMENT:

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Note: Persons wishing to speak on specific items should reserve their comments until the specific item is taken up by the Board.

CONSENT AGENDA (Items 1-13):

The consent agenda contains items that are routine in nature and non-controversial. Some items may be referred by a standing Board Committee or approved as part of the budget process. The matters listed under 'Consent Agenda' may be approved by one motion. Any Board Member may remove an item for separate consideration. Items so removed will be heard before the scheduled New Business Items, unless otherwise directed by the Chair.

1. APPROVAL OF MINUTES:

The Board is requested to approve minutes of prior Board meetings.

RECOMMENDATION: Approve the minutes of the September 23, 2011 special meeting and the October 6, 2011 regular meeting.

2. ACCEPTANCE OF BOARD AND COMMITTEE MEMBERS WRITTEN REPORTS ON THEIR ATTENDANCE AT APPROVED MEETINGS AND PRE-APPROVAL OF ATTENDANCE AT OTHER MEETINGS NOT COVERED BY THE CURRENT RESOLUTION:

The Board is requested to accept the reports.

RECOMMENDATION: Accept the reports and pre-approve Board member attendance at other meetings, trainings and events not covered by the current resolution.

(Corporate Services: Tony Russell, Director/Authority Clerk)

3. AWARDED CONTRACTS, APPROVED CHANGE ORDERS FROM SEPTEMBER 12, 2011 THROUGH OCTOBER 9, 2011 AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM SEPTEMBER 12, 2011 THROUGH OCTOBER 9, 2011:

The Board is requested to receive the report.

RECOMMENDATION: Receive the report.

(Procurement: Jana Vargas, Director)

4. NOVEMBER 2011 LEGISLATIVE REPORT:

The Board is requested to approve the report.

RECOMMENDATION: Adopt Resolution No. 2011-0130, approving the November 2011 Legislative Report.

(Inter-Governmental Relations: Michael Kulis, Director)

5. AMEND AUTHORITY CODE 8.11 – AIRCRAFT FUELING OPERATIONS:

The Board is requested to amend the Code.

RECOMMENDATION: Adopt Resolution No. 2011-0131, amending Authority Code 8.11 in order to better articulate its regulation of aircraft fueling operations.

(Aviation Operations and Public Safety: George Condon, Director)

6. INDEMNITY ISSUES REGARDING CERTAIN GOVERNMENT ENTITIES:

The Board is requested to take action regarding indemnity issues.

RECOMMENDATION: Adopt Resolution No. 2011-0140, precluding the Authority from indemnifying a government entity when that entity is precluded by law from indemnifying the Authority.

(Legal: Breton Lobner, General Counsel)

CLAIMS

7. AUTHORIZE THE REJECTION OF THE CLAIM OF FERNANDO RODRIGUEZ MAEDA:

The Board is requested to reject the claim.

RECOMMENDATION: Adopt Resolution No. 2011-0132, authorizing the rejection of the claim of Fernando Rodriguez Maeda.

(Legal: Breton Lobner, General Counsel)

COMMITTEE RECOMMENDATIONS

8. ACCEPTANCE OF THE PROPOSED 2012 MASTER CALENDAR OF BOARD AND COMMITTEE MEETINGS:

The Board is requested to accept the calendar.

RECOMMENDATION: The Executive Committee recommends that the Board accept the 2012 Master Calendar.

(Corporate Services: Tony Russell, Director/Authority Clerk)

9. RECEIVE THE UNAUDITED FINANCIAL STATEMENTS FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2011:

The Board is requested to receive the report.

RECOMMENDATION: The Finance Committee recommends that the Board receive the report.

(Finance: Vernon Evans, Vice President/Treasurer)

10. REVIEW OF THE AUTHORITY'S QUARTERLY INVESTMENT REPORT AS OF SEPTEMBER 30, 2011:

The Board is requested to receive the report.

RECOMMENDATION: The Finance Committee recommends that the Board receive the report.

(Finance: Vernon Evans, Vice President/Treasurer)

CONTRACTS AND AGREEMENTS

CONTRACTS AND AGREEMENTS AND/OR AMENDMENTS TO CONTRACTS AND AGREEMENTS EXCEEDING \$1 MILLION

11. AWARD A CONTRACT TO SOLPAC CONSTRUCTION, INC. DBA SOLTEK PACIFIC CONSTRUCTION COMPANY TO EXPAND TERMINAL 2 EAST FACILITIES – TERMINAL BUILDING AT SAN DIEGO INTERNATIONAL AIRPORT:

The Board is requested to award the contract.

RECOMMENDATION: Adopt Resolution No. 2011-0133, awarding a contract to SOLPAC Construction, Inc. dba Soltek Pacific Construction Company, in the amount of \$5,958,000, for Project No. 104056, Expand Terminal 2 East Facilities: Terminal Building at San Diego International Airport.

(Facilities Development: Iraj Ghaemi, Director)

12. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE AN ON-CALL ARCHITECTURAL AND ENGINEERING CONSULTANT SERVICES AGREEMENT IN SUPPORT OF THE QUIETER HOME PROGRAM:

The Board is requested to approve the agreement.

RECOMMENDATION: Adopt Resolution No. 2011-0134, approving and authorizing the President/CEO to execute an on-call architectural and engineering services agreement, with The Jones Payne Group, Inc. for an amount not to exceed \$19,000,000 for the first three years, with the option for two one-year extensions, in support of the Quieter Home Program.

(Facilities Development: Iraj Ghaemi, Director)

13. APPROVE AND AUTHORIZE THE PRESIDENT/CEO TO EXECUTE SECOND AMENDMENTS TO THREE ON-CALL MATERIAL TESTING, SPECIAL INSPECTION, AND GEOTECHNICAL SERVICE AGREEMENTS:

The Board is requested to approve the amendments.

RECOMMENDATION:

Adopt Resolution No. 2011-0136, approving and authorizing the President/CEO to execute a Second Amendment to the agreement with Kleinfelder West, Inc., extending the term of the agreement by one year to expire on December 31, 2012, to provide on-call professional material testing, special inspection, and geotechnical services for Capital Improvement Projects.

Adopt Resolution No. 2011-0137, approving and authorizing the President/CEO to execute a Second Amendment to the agreement with MACTEC Engineering and Consulting, Inc., extending the term of the agreement by one year to expire on December 31, 2012, to provide on-call professional material testing, special inspection, and geotechnical services for Capital Improvement Projects.

Adopt Resolution No. 2011-0138, approving and authorizing the President/CEO to execute a Second Amendment to the agreement with Ninyo & Moore Geotechnical & Environmental Sciences Consultants, extending the term of the agreement by one year to expire on December 31, 2012, to provide on-call professional material testing, special inspection, and geotechnical services for Capital Improvement Projects.

(Facilities Development: Iraj Ghaemi, Director)

PUBLIC HEARINGS:

OLD BUSINESS:

NEW BUSINESS:

14. AUTHORIZE THE ACCEPTANCE AND GRANT OF REAL PROPERTY RIGHTS NECESSARY TO EFFECT AIRPORT DEVELOPMENT INCLUDING THE REDESIGN OF CONTIGUOUS PORTIONS OF THE SAN DIEGO INTERNATIONAL AIRPORT ("SDIA") WASHINGTON STREET ACCESS LOCATED SOUTH OF PACIFIC HIGHWAY ON MARINE CORPS RECRUIT DEPOT AND AUTHORITY PROPERTY AND STORM WATER DRAINAGE SYSTEMS SUPPORTING THE AUTHORITY'S NORTH SIDE AND TERMINAL DEVELOPMENT PROGRAMS:

The Board is requested to authorize the acceptance and grant of real property rights.

RECOMMENDATION: Adopt Resolution No. 2011-0139, authorizing the President/CEO to take appropriate actions necessary to grant and accept certain property rights between the Authority and the United States Navy by and through the Marine Corps Recruit Depot ("MCRD") and the Naval Facilities Engineering Command Southwest ("NAVFAC-SW") necessary to effect the implementation of Authority's North Side and Terminal Development Programs, including the redesign of the SDIA Washington Street access and storm water drainage systems on the north and south sides of SDIA; including the simultaneous execution of the following and any related agreements: (1) an Exclusive Use Agreement; (2) an Agreement for Exchange of Easements; (3) an Agreement for Use of Easements; (4) an easement for street purposes granted by the Authority to MCRD/NAVFAC-SW; (5) two easements for street purposes granted by MCRD/NAVFAC-SW to the Authority; (6) a utility easement for storm water drainage purposes granted by MCRD/NAVFAC-SW to the Authority; (7) a utility easement granted by MCRD/NAVFAC-SW to the Authority for storm water drainage purposes to accommodate the two existing airport storm water drainage pipelines that are currently covered by a 20-foot wide leasehold interest and a right of entry; and (8) a quitclaim by the Authority in favor of MCRD/NAVFAC-SW to facilitate the replacement of the 20-foot-wide leasehold interest and the right of entry that is currently covering the two existing storm drains.

(Finance: Vernon D. Evans, Vice President/Treasurer)

CLOSED SESSION:

15. CONFERENCE WITH LABOR NEGOTIATOR:

Labor negotiations pursuant to Cal. Gov. Code §54957.6:

Authority Designated Negotiators: Thella F. Bowens, President/CEO; and Jeffrey Woodson, Vice President, Administration

Employee Organization: Teamsters 911

- 16. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**
Real property negotiations pursuant to Cal. Gov. Code §54954.5(b) and §54956.8:
Property: Salt Plant – 17 acre parcel located at 1470 Bay Boulevard, San Diego
Agency Negotiators: Vernon D. Evans, Vice President, Finance/Treasurer
Negotiating Parties: United States Fish and Wildlife Service, GGTW, LLC
(current tenant) and/or other interested parties
Under Negotiation: Sale – terms and conditions
- 17. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**
(Cal. Gov. Code §54956.9 (a)):
San Diego Unified Port District v. TDY Industries, Inc., et al., and related cross-
actions. U.S. District Court, Southern District Case No. 03 CV 1146-B (POR)
- 18. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**
(Cal. Gov. Code §54956.9(a)):
City of San Diego, Historical Resources Board: In re: Western Salt Company Salt
Works, Report No. HRB-08-005
- 19. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**
(Cal. Gov. Code §54956.9(a)):
West Tech, Inc. v. San Diego County Regional Airport Authority, et al.,
L.A.S.C 37-2010-00106565-CU-BC-CTL
- 20. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to subdivision (c) of §54956.9: (1 case)
- 21. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
Significant exposure to litigation pursuant to Cal. Gov. Code §54956.9(b)
[Number of cases: 1] and §54956.9(b)(3)(C) [Liability claim against Authority by
Theresa, Warren & Carl Hopkins]
- 22. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**
Significant exposure to litigation pursuant to Cal. Gov. Code §54956.9(b):
Kelly Lancaster, David Boenitz, Mary Erickson and Richard Gilb, et al v. SDCERS,
San Diego Sup. Court Case No. 37-2011-G0096238-CU-PO-CT
Number of cases: 1
- 23. CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION:**
Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (1 case)

REPORT ON CLOSED SESSION:

NON-AGENDA PUBLIC COMMENT:

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GENERAL COUNSEL REPORT:

BUSINESS AND TRAVEL EXPENSE REIMBURSEMENT REPORTS FOR BOARD MEMBERS, PRESIDENT/CEO, CHIEF AUDITOR AND GENERAL COUNSEL WHEN ATTENDING CONFERENCES, MEETINGS, AND TRAINING AT THE EXPENSE OF THE AUTHORITY:

BOARD COMMENT:

ADJOURNMENT:

**Policy for Public Participation in Board, Airport Land Use Commission (ALUC),
 and Committee Meetings (Public Comment)**

- 1) Persons wishing to address the Board, ALUC, and Committees shall complete a "Request to Speak" form prior to the initiation of the portion of the agenda containing the item to be addressed (e.g., Public Comment and General Items). Failure to complete a form shall not preclude testimony, if permission to address the Board is granted by the Chair.
- 2) The Public Comment Section at the beginning of the agenda is limited to eighteen (18) minutes and is reserved for persons wishing to address the Board, ALUC, and Committees on any matter for which another opportunity to speak is not provided on the Agenda, and on matters that are within the jurisdiction of the Board. A second Public Comment period is reserved for general public comment later in the meeting for those who could not be heard during the first Public Comment period.
- 3) Persons wishing to speak on specific items listed on the agenda will be afforded an opportunity to speak during the presentation of individual items. Persons wishing to speak on specific items should reserve their comments until the specific item is taken up by the Board, ALUC and Committees. Public comment on specific items is limited to twenty (20) minutes – ten (10) minutes for those in favor and ten (10) minutes for those in opposition of an item. Each individual speaker will be allowed three (3) minutes, and applicants and groups will be allowed five (5) minutes.
- 4) If many persons have indicated a desire to address the Board, ALUC and Committees on the same issue, then the Chair may suggest that these persons consolidate their respective testimonies. Testimony by members of the public on any item shall be limited to **three (3) minutes per individual speaker and five (5) minutes for applicants, groups and referring jurisdictions.**
- 5) Pursuant to Authority Policy 1.33 (8), recognized groups must register with the Authority Clerk prior to the meeting.
- 6) After a public hearing or the public comment portion of the meeting has been closed, no person shall address the Board, ALUC, and Committees without first obtaining permission to do so.

Additional Meeting Information

NOTE: This information is available in alternative formats upon request. To request an Agenda in an alternative format, or to request a sign language or oral interpreter, or an Assistive Listening Device (ALD) for the meeting, please telephone the Authority Clerk's Office at (619) 400-2400 at least three (3) working days prior to the meeting to ensure availability.

For your convenience, the agenda is also available to you on our website at www.san.org.

For those planning to attend the Board meeting, parking is available in the public parking lot located directly in front of the Commuter Terminal. Bring your ticket to the third floor receptionist for validation.

You may also reach the Commuter Terminal by using public transit via the San Diego MTS system, Route 992. For route and fare information, please call the San Diego MTS at (619) 233-3004 or 511.

UPCOMING MEETING SCHEDULE

<i>Date</i>	<i>Day</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>
December 1	Thursday	10:00 A.M.	Special	Board Room

STATE OF CALIFORNIA)
 COUNTY OF SAN DIEGO)
 SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY)

I, Linda Gehlken, Assistant Authority Clerk I, of the San Diego County Regional Airport Authority, hereby certify that at the hour 10:55 a.m. I caused the posting of this notice on the bulletin board located on the first floor of the San Diego International Airport, Commuter Terminal.

DATE: 10/28/11

SIGNATURE: 